

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

infoUSA, Inc.,)	Case No. 8:03CV94
)	
Plaintiff,)	
)	
vs.)	<u>ANSWER</u>
)	
0-0 DataNetwork Corp.,)	
)	
Defendant.)	

COMES NOW the defendant, 0-0 DataNetwork Corp., (“0-0 DataNetwork”) and for its Answer to the plaintiff’s Complaint states as follows:

1. 0-0 DataNetwork admits paragraph 1.
2. 0-0 DataNetwork admits paragraph 2.
3. 0-0 DataNetwork admits paragraph 3.
4. 0-0 DataNetwork admits that infoUSA produces database compilations of information. 0-0 DataNetwork denies the remaining allegations contained in paragraph 4.
5. 0-0 DataNetwork is without sufficient information from which to either admit or deny the allegations contained in paragraph 5 and, therefore, denies the same.
6. 0-0 DataNetwork is without sufficient information from which to either admit or deny the allegations contained in paragraph 6 and, therefore, denies the same. 0-0 DataNetwork further states that the document attached to the plaintiff’s Complaint as Exhibit “A” speaks for itself.

7. 0-0 DataNetwork is without sufficient information from which to either admit or deny the allegations contained in paragraph 7 and, therefore, denies the same.

8. 0-0 DataNetwork is without sufficient information from which to either admit or deny the allegations contained in paragraph 8 and, therefore, denies the same.

9. 0-0 DataNetwork is without sufficient information from which to either admit or deny the allegations contained in paragraph 9 and, therefore, denies the same. 0-0 DataNetwork further states that the document attached to the plaintiff's Complaint as Exhibit "B" speaks for itself.

10. 0-0 DataNetwork admits that the language quoted in paragraph 10 is set forth in paragraph 1.1 of the document attached to the plaintiff's Complaint as Exhibit "B." 0-0 DataNetwork further states that paragraph 1.1 of Exhibit "B" speaks for itself.

11. 0-0 DataNetwork admits that the language quoted in paragraph 11 is set forth in paragraph 7.1 of the document attached to the plaintiff's Complaint as Exhibit "B." 0-0 DataNetwork further states that the paragraph 7.1 of Exhibit "B" speaks for itself.

12. 0-0 DataNetwork denies paragraph 12.

13. 0-0 DataNetwork admits that it received correspondence from the plaintiff. 0-0 DataNetwork denies the remaining allegations contained in paragraph 13.

**ANSWER TO PLAINTIFF'S
FIRST CLAIM FOR RELIEF**

14. 0-0 DataNetwork incorporates its respective answers to paragraphs 1 through 13 as if more fully set forth herein.

15. 0-0 DataNetwork is without sufficient information from which to either admit or deny paragraph 15 and, therefore, denies the same.

16. 0-0 DataNetwork denies paragraph 16.

17. 0-0 DataNetwork denies paragraph 17.

**ANSWER TO PLAINTIFF'S
SECOND CLAIM FOR RELIEF**

18. 0-0 DataNetwork incorporates its respective answers to paragraphs 1 through 17 as if more fully set forth herein.

19. 0-0 DataNetwork denies paragraph 19.

20. 0-0 DataNetwork denies paragraph 20.

21. 0-0 DataNetwork denies paragraph 20.

AFFIRMATIVE DEFENSES

22. 0-0 DataNetwork states that it collects and compiles business information and sells lists of such information to third parties. The information contained in the 0-0 DataNetwork business information databases was properly gathered and obtained independently and not copied from the infoUSA Database.

23. The plaintiff has failed to state a claim upon which relief can be granted.

WHEREFORE, having answered, 0-0 DataNetwork, prays that the plaintiff's Complaint be dismissed with prejudice, that 0-0 DataNetwork recover its costs expended herein, and for such further relief as the court deems just and equitable.

0-0 DataNetwork Corp., Defendant

By: s/Tyler P. McLeod

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CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2003, I electronically filed the foregoing with the Clerk of the Court using the Cm/ECF system which will send notification of such filing to the following:

Jeremy Fitzpatrick
Kutak Rock LLP
The Omaha Building
1650 Farnam Street
Omaha, NE 68102-2186

S/Tyler P. McLeod
Tyler P. McLeod